

### REMARKS

Claims 1-8, 10-12, and 30-32 were previously pending in this application. Claims 1, 7, 8, 10, and 30-32 have been amended. New claims 33-38 have been added. As a result claims 1-8, 10-12, and 30-38 are pending for examination with claims 1, 7, and 31 being independent claims. No new matter has been added. Support for the claim amendments is found at pg. 4, lns. 33-36; pg. 7, lns. 5-13; Example 4; Example 5; and Example 9.

#### Rejection under 35 U.S.C. §112

Applicant traverses the rejection of claim 1-8, 10-17, and 30-32 under 35 U.S.C. §112, first and second paragraphs. Claims 1, 7, and 31 have been amended to overcome this rejection and to clarify that the invention comprises an iron chelator and lipid carrier, where the lipid carrier includes either an antibody for targeting a cardiac protein (claim 1), a cationic or anionic charge group for targeting the heart, (claim 7), or a liver cell targeting agent for targeting a liver cell receptor.

Accordingly, withdrawal of the rejection of claims 1-8, 10-17, and 30-32 under 35 U.S.C. §112, first and second paragraphs, is respectfully requested.

#### Rejection Under 35 U.S.C. §102

Applicant traverses the rejection of claim 31 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,534,241 to Torchlin, et al. (hereinafter Torchlin). Claim 31 is amended to specify an iron chelator delivery system, comprising an iron chelator and a lipid carrier, where the lipid carrier includes a liver cell targeting agent for targeting at least one liver cell receptor. Applicant can find no teaching in Torchlin of a liver cell targeting agent, and thus the reference fails to anticipate each element of the claimed invention. In addition, Torchlin is directed to amphipathic polychelating agents (col 1, lns. 40-42), whereas Applicant's invention is directed to a single chelating agent, for iron. Torchlin also teaches away from Applicant's claimed invention, which is intended to be taken up into the target cell. As described at col. 9, lns. 13-17 and col. 9, ln. 60 – col. 10, ln. 14, Torchlin's polychelating agents are designed to increase their circulation time and decrease cellular uptake. Consequently, Torchlin neither teaches nor suggests the claimed subject matter. Accordingly, withdrawal of this rejection is respectfully requested.

Rejection Under 35 U.S.C. §103

Applicant traverses the rejection of claim 31 under 35 U.S.C. §103(a) as claim 31 is not rendered unpatentable over Torchlin in view of U.S. Patent No. 5,585,112 to Unger, et al. (hereinafter Unger). Unger does not supply the elements missing from Torchlin; therefore the combination of Unger and Torchlin do not render obvious Applicant's claimed invention. Unger is directed to gaseous or gas filled liposomes, and does not teach or suggest targeting a liver cell receptor to reduce iron. In fact, Unger also teaches away from Applicant's invention in that Unger's composition may deliver metal ions, instead of removing them. Accordingly, withdrawal of this rejection is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, Applicant considers this application to be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

Respectfully submitted,

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Date: November 12, 2003